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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,166	12/07/1999	JOSE VILLENA	CELLIT-003XX	6064
28452	7590	06/02/2006	EXAMINER	
BOURQUE & ASSOCIATES, P.A. 835 HANOVER STREET SUITE 301 MANCHESTER, NH 03104			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/456,166

Applicant(s)

VILLENA ET AL.

Examiner

Steven Blount

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28 - 38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 28 - 38 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 28 - 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art (AAPA) in view of U.S patent 4,674,083 to Rackin.

AAPA teaches on pages 1 – 2 of the specification, and figure 1, switch PBX/ACD (the central switch in figure 1) configured as claimed, including the Lan shown on the bottom of the figure with in/outbound agents as shown, and processing stations (voice mail, etc.). The examiner further notes that since claim 28 is presented in Jepson format (as admitted by applicant), the members preceding the phrase “the improvement comprising” are admitted to be known in the art.

AAPA teaches that “Still another problem with prior art systems is that the switching capacity of the PBX is typically not enough to insure a non-blocking system... The PBX is configured to have a switching capacity based upon the expected statistics regarding call volume and services requested. As a result, it is possible that an agent... may not be available, but a caller may nonetheless be blocked because the system has run out of switching capacity.”

AAPA does not, however, teach a solution to this problem to comprise having the second switch configured such that the number of connections B between the first (ie, PBX as shown in figure 1) and second switches (apparently the member to the right of the PBX in figure 1) is greater than or equal to the number T of trunk channels plus S, the number of agent station channels.

Rackin teaches an expansion switch (co 4 lines 23+) adaptable to PBX's (col 7 lines 26+) wherein the time slots are created in a variable manner (concatenated or subdivided) such that additional ports may be added to the switch to accommodate extra switching capacity without resulting in blocking. See col 19 lines 33+, col 15 lines 40+, col 9 lines 28+, col 8 lines 25+ and lines 65+.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided AAPA's second switch with an expansion system as taught in Rackin such that there is enough switching capacity so that the number of switching channels B between the first and second switches is greater than or equal to the number of trunk lines T plus the number of agent stations S.

With regard to the following claims (CI), note the following: CI 29: PSTN is shown in fig. 1. CI 30: note the use of Internet/PBX in figure 1. CI 31: see recording systems in figure 1 and note that conference bridges are taught in Rackin. CI 32: see discussion of TDM above. CI 33: the system in Rackin is linearly expandable, and the channels are used for call switching. CI 34: See the resources such as the recording system in fig 1 of AAPA. CI 35: Note that there are only 2 switches in the AAPA/Rackin combination. CI 36: a legacy PBX is an obvious type of PBX wherein one of ordinary skill in the art would realize that this type of PBX would be as desirable as any other.

2. Claims 37 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art (AAPA) in view of U.S patent 4,674,083 to Rackin as applied above to claims 28 – 36, and further in view of U.S patent 4228535 to Workman et al.

AAPA/Rackin teach the invention as described above, but do not teach the use of a backup switch. This is taught in Workman. See col 6 lines 13+ and note that a TDM switch is used here.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided AAPA/Rackin with a backup switch in light of the teachings of Workman et al in order to provide a system that can recover in the event of a failure.

3. Applicants remarks are moot in view of the new grounds of rejection. The examiner has withdrawn the 112 first paragraph rejection in view of applicants reference on page 10 of their remarks, apparently to page 6 lines 1 – 6 of the specification, which provide the required support. The examiner notes that the act of “setting the time slots appropriately” as referenced by applicant in the above cited portion of the specification is the same method used by Rackin also to allow for a linearly expandable TDM switch. See col 19 lines 33+ and the discussion above.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571-272-3071. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached on 571-272-7269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CHIRAG SHAH
PATENT EXAMINER, 2600

SB

5/28/06